



PRELIMINARY DRAFT

No. 3182

PREPARED BY
LEGISLATIVE SERVICES AGENCY
2011 GENERAL ASSEMBLY

DIGEST

Citations Affected: IC 4-21.5-2-0.1; IC 5-2-9-0.1; IC 7.1-5-10-0.1; IC 9-19-10-0.1; IC 14-22-10-0.1; IC 24-2-1-0.1; IC 24-4.5-5-0.1; IC 24-4.6-1-0.1; IC 33-37; IC 34-9-3-0.2; IC 34-12-3-0.1; IC 34-13; IC 34-18-1-2; IC 34-20; IC 34-23; IC 34-24; IC 34-30; IC 34-31; IC 34-44-1-0.2; IC 34-50-1-0.2; IC 34-51; IC 34-52-2-0.2; IC 34-53-1-0.2; IC 34-54-8-0.2; IC 34-55-10-0.2; IC 34-58-0.1.

Synopsis: Noncode statutes. Codifies certain noncode provisions relating to civil actions. Repeals the corresponding noncode provisions. Repeals without codification the following noncode statutes: (1) A 1986 statute directing the legislative council to introduce legislation to correct references in statutes. (2) A 1986 statute establishing an interim study committee to study the pooling of administrative law judges.

Effective: July 1, 2011.



A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-21.5-2-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. (a) This article governs:**

(1) all proceedings, and all proceedings for judicial review or civil enforcement of agency action, commenced after June 30, 1987; and

(2) proceedings conducted after June 30, 1987, on remand from a court.

(b) The following are governed by IC 4-22-1 (before its repeal) as it existed on June 30, 1987:

(1) Any adjudicative proceedings pending on June 30, 1987, and not being conducted on remand after June 30, 1987.

(2) All judicial review proceedings concerning agency action pending on June 30, 1987.

(3) All civil enforcement proceedings concerning agency action pending on June 30, 1987.

(c) After June 30, 1987, any reference to Acts 1947, c.365 or IC 4-22-1 in a statute or rule in effect on July 1, 1987, shall be construed as a reference to IC 4-21.5 as effective on July 1, 1987.

SECTION 2. IC 5-2-9-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The following amendments to this chapter apply as follows:**

(1) The addition of section 1.3 and sections 1.5, 1.6, and 6.3 of this chapter (before their repeal) by P.L.280-2001 applies to foreign protection orders issued before, on, or after July 1, 2001.

(2) The amendments made to sections 2.1, 5, 6, 7, and 8 of this chapter by P.L.280-2001 apply to foreign protection orders issued before, on, or after July 1, 2001.

SECTION 3. IC 7.1-5-10-0.1 IS ADDED TO THE INDIANA



CODE AS A NEW SECTION TO READ AS FOLLOWS
[EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The addition of section 15.5 of this chapter by P.L.80-1986 does not apply to actions accruing before April 1, 1986.**

SECTION 4. IC 9-19-10-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to section 7 of this chapter by P.L.121-1993 apply to a product liability action that arises after June 30, 1993.**

SECTION 5. IC 14-22-10-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to section 2 of this chapter by P.L.138-1997 apply to causes of action that accrue after June 30, 1997.**

SECTION 6. IC 24-2-1-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The following amendments to this chapter apply as follows:**

(1) **The addition of sections 0.5, 4.5, 8.5, 13.5, 14.5, and 15.3 of this chapter by P.L.135-2006 does not affect a legal proceeding or appeal initiated under this chapter before July 1, 2006.**

(2) **The amendments made to sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of this chapter by P.L.135-2006 do not affect a legal proceeding or appeal initiated under this chapter before July 1, 2006.**

SECTION 7. IC 24-4.5-5-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to section 203 of this chapter by P.L.181-1991 apply to causes of action accruing after June 30, 1991.**

SECTION 8. IC 24-4.6-1-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to section 101 of this chapter by P.L.149-1988 apply to the accrual of interest after June 30, 1988, on any part of a judgment that is unpaid after June 30, 1988, even if the judgment was rendered before July 1, 1988.**

SECTION 9. IC 33-37-4-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to sections 4 and 6 of this chapter by P.L.174-2006 apply only to cases filed after June 30, 2006.**

SECTION 10. IC 33-37-5-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to**



sections 15 and 28 of this chapter by P.L.174-2006 apply only to cases filed after June 30, 2006.

SECTION 11. IC 34-9-3-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The amendments made to IC 34-1-1-1 (before its repeal, now codified in this chapter) by P.L.94-1989 do not apply to causes of action that accrue before July 1, 1989.**

SECTION 12. IC 34-12-3-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The addition of this chapter by P.L.19-2001 applies only to actions filed after April 18, 2001.**

SECTION 13. IC 34-13-1-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The amendments made to IC 34-4-16-6 (before its repeal, now codified at section 6 of this chapter) by P.L.149-1988 apply to the accrual of interest after June 30, 1988, on any part of a judgment that is unpaid after June 30, 1988, even if the judgment was rendered before July 1, 1988.**

SECTION 14. IC 34-13-3-0.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The following amendments to this chapter apply as follows:**

(1) The amendments made to section 3 of this chapter by P.L.250-2001 apply to a cause of action involving an extreme sport area that accrues after May 11, 2001, regardless of when the extreme sport area was developed.

(2) The amendments made to section 3 of this chapter by P.L.280-2001 apply only to a cause of action that accrues after June 30, 2001.

SECTION 15. IC 34-13-3-0.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The amendments made to IC 34-4-16.5-17 (before its repeal, now codified at section 18 of this chapter) by P.L.149-1988 apply to the accrual of interest after June 30, 1988, on any part of a judgment that is unpaid after June 30, 1988, even if the judgment was rendered before July 1, 1988.**

SECTION 16. IC 34-18-1-2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 2. (a) The addition of IC 16-9.5-2-2.1, IC 16-9.5-2-2.2, IC 16-9.5-2-2.3, and IC 16-9.5-2-2.4 (before their repeal) by P.L.179-1985 does not apply to medical malpractice claims initiated through the filing of a proposed complaint under IC 16-9.5-9-1 (before its repeal) before June 1, 1985.**

(b) The amendments made to IC 16-9.5-9-10 (before its repeal) by P.L.180-1985 do not apply to the chairman of a medical review panel formed before September 1, 1985.



1 SECTION 17. IC 34-20-5-0.2 IS ADDED TO THE INDIANA
 2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 3 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The addition of**
 4 **IC 33-1-1.5-4.5 (before its repeal, now codified at section 1 of this**
 5 **chapter) by P.L.278-1995 applies to a cause of action that accrues**
 6 **after June 30, 1995.**

7 SECTION 18. IC 34-20-7-0.2 IS ADDED TO THE INDIANA
 8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 9 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The addition of IC 33-1-1.5-9**
 10 **(before its repeal, now codified at section 1 of this chapter) by**
 11 **P.L.278-1995 applies to a cause of action that accrues after June**
 12 **30, 1995.**

13 SECTION 19. IC 34-20-8-0.2 IS ADDED TO THE INDIANA
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The addition of**
 16 **IC 33-1-1.5-10 (before its repeal, now codified at section 1 of this**
 17 **chapter) by P.L.278-1995 applies to a cause of action that accrues**
 18 **after June 30, 1995.**

19 SECTION 20. IC 34-23-1-0.1 IS ADDED TO THE INDIANA
 20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 21 [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The addition of section 2 of**
 22 **this chapter by P.L.84-1999 applies only to a cause of action that**
 23 **accrues after December 31, 1999.**

24 SECTION 21. IC 34-23-2-0.1 IS ADDED TO THE INDIANA
 25 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to**
 27 **section 1 of this chapter by P.L.129-2009 apply only to a cause of**
 28 **action that accrues after June 30, 2009.**

29 SECTION 22. IC 34-23-2-0.2 IS ADDED TO THE INDIANA
 30 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 31 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The amendments made to**
 32 **IC 34-1-1-8 (before its repeal, now codified at section 1 of this**
 33 **chapter) by P.L.306-1987 do not apply to causes of action that**
 34 **accrue before May 8, 1987.**

35 SECTION 23. IC 34-24-3-0.2 IS ADDED TO THE INDIANA
 36 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 37 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The addition of IC 34-4-30-3**
 38 **(before its repeal, now codified at section 4 of this chapter) by**
 39 **P.L.316-1987 does not apply to a cause of action accruing before**
 40 **April 27, 1987.**

41 SECTION 24. IC 34-24-4-0.3 IS ADDED TO THE INDIANA
 42 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 43 [EFFECTIVE JULY 1, 2011]: **Sec. 0.3. The statute of limitations**
 44 **under this chapter (or IC 34-1-70 before its repeal) for a claim**
 45 **based on participation in the illegal drug market that occurred**
 46 **before July 1, 1997, does not begin to run until July 1, 1997.**



SECTION 25. IC 34-30-5-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The amendments made to IC 34-4-12.5-1 and IC 34-4-13.5-2 (before their repeal, now codified at section 1 of this chapter and at IC 34-6-2) by P.L.144-1991 apply only to a gift of a food item made after June 30, 1991.**

SECTION 26. IC 34-30-13-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The amendments made to section 1 of this chapter by P.L.116-2005 apply to a cause of action that arises after June 30, 2005.**

SECTION 27. IC 34-30-10.5-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The addition of this chapter by P.L.95-2001 applies only to donations made after June 30, 2001.**

SECTION 28. IC 34-30-19-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The addition of IC 34-4-11.8 (before its repeal, now codified in this chapter) by P.L.310-1987 does not apply to causes of action accruing before June 1, 1987.**

SECTION 29. IC 34-30-23-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The addition of this chapter by P.L.77-2006 does not apply to a cause of action that accrues before July 1, 2006.**

SECTION 30. IC 34-31-4-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The amendments made to IC 34-4-31-1 (before its repeal, now codified in this chapter) by P.L.208-1997 apply to a cause of action that accrues after June 30, 1997.**

SECTION 31. IC 34-31-7-0.1 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.1. The addition of this chapter by P.L.149-2005 applies only to a cause of action that accrues after June 30, 2005.**

SECTION 32. IC 34-44-1-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The addition of IC 34-4-36 (before its repeal, now codified in this chapter) by P.L.196-1986 does not apply to civil actions accruing before January 1, 1987.**

SECTION 33. IC 34-50-1-0.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The addition of IC 34-4-44.6 (before its repeal, now codified in this chapter) by P.L.278-1995**



1 **applies to a cause of action that accrues after June 30, 1995.**

2 SECTION 34. IC 34-51-3-0.2 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The addition of IC 34-4-34-3,**
5 **IC 34-4-34-4, IC 34-4-34-5, and IC 34-4-34-6 (before their repeal,**
6 **now codified in this chapter) by P.L.278-1995 applies to a cause of**
7 **action that accrues after June 30, 1995.**

8 SECTION 35. IC 34-51-5-0.2 IS ADDED TO THE INDIANA
9 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The addition of IC 34-4-35-1**
11 **(before its repeal, now codified in section 1 of this chapter) by**
12 **P.L.201-1986 does not apply to actions accruing before September**
13 **1, 1986.**

14 SECTION 36. IC 34-52-2-0.2 IS ADDED TO THE INDIANA
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
16 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The addition of IC 34-2-36**
17 **(before its repeal, now codified in this chapter) by P.L.196-1986**
18 **does not apply to civil actions accruing before January 1, 1987.**

19 SECTION 37. IC 34-53-1-0.2 IS ADDED TO THE INDIANA
20 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
21 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The addition of IC 34-4-39**
22 **(before its repeal, later codified in IC 34-4-41 and now in this**
23 **chapter) by P.L.212-1991 only applies to settlements reached and**
24 **judgments entered after July 1, 1991.**

25 SECTION 38. IC 34-54-8-0.2 IS ADDED TO THE INDIANA
26 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
27 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The amendments made to**
28 **IC 34-2-22-1 (before its repeal, now codified in this chapter) by**
29 **P.L.149-1988 apply to the accrual of interest after June 30, 1988,**
30 **on any part of a judgment that is unpaid after June 30, 1988, even**
31 **if the judgment was rendered before July 1, 1988.**

32 SECTION 39. IC 34-55-10-0.2 IS ADDED TO THE INDIANA
33 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2011]: **Sec. 0.2. The amendments made to**
35 **IC 34-2-28 (before its repeal, now codified in this chapter) by**
36 **P.L.182-1986 do not apply to causes of action in tort that accrue**
37 **before September 1, 1986.**

38 SECTION 40. IC 34-58-0.1 IS ADDED TO THE INDIANA CODE
39 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
40 JULY 1, 2011]:

41 **Chapter 0.1. Application**

42 **Sec. 1. This article applies to a cause of action filed after June**
43 **30, 2004.**

44 SECTION 41. THE FOLLOWING ARE REPEALED [EFFECTIVE
45 JULY 1, 2011]: P.L.179-1985, SECTION 5; P.L.180-1985, SECTION
46 2; P.L.18-1986, SECTION 3; P.L.18-1986, SECTION 4; P.L.18-1986,



1 SECTION 5; P.L.18-1986, SECTION 6; P.L.80-1986, SECTION 2;
2 P.L.182-1986, SECTION 16; P.L.196-1986, SECTION 2;
3 P.L.201-1986, SECTION 4; P.L.306-1987, SECTION 4; P.L.310-1987,
4 SECTION 7; P.L.316-1987, SECTION 2; P.L.149-1988, SECTION 7;
5 P.L.94-1989, SECTION 5; P.L.144-1991, SECTION 19; P.L.181-1991,
6 SECTION 6; P.L.212-1991, SECTION 2; P.L.121-1993, SECTION 2;
7 P.L.278-1995, SECTION 16; P.L.138-1997, SECTION 3;
8 P.L.208-1997, SECTION 2; P.L.1-1998, SECTION 220; P.L.84-1999,
9 SECTION 3; P.L.19-2001, SECTION 2; P.L.95-2001, SECTION 4;
10 P.L.250-2001, SECTION 7; P.L.280-2001, SECTION 56; P.L.80-2004,
11 SECTION 8; P.L.116-2005, SECTION 5; P.L.149-2005, SECTION 3;
12 P.L.77-2006, SECTION 2; P.L.135-2006, SECTION 22; P.L.174-2006,
13 SECTION 21; P.L.129-2009, SECTION 9.

